



THE
ACT OF INCORPORATION

AND

BYE LAWS

OF

The People's Street Railway Company.

SAINT JOHN, N. B.:

J. & A. McMILLAN, PRINTERS, BOOKBINDERS, &c.

1870.

To incor

SECTION

1. Compan
2. Capital
3. Stock al
4. First me
5. Affairs o
6. Director
7. Qualifica
8. Votes, h
9. Annual g
where
10. Shares tr
11. Calls, wh
recover
12. Meetings
notice.
13. Suits ag
brought
14. What ne
trial.
15. Powers o
16. Railway
power;

Be it enact
and Ass

1. That
ssigns, be
ody corpo
Street Rail
ave all the
orporation
ne and be
njoy all pr
rotect them
ges, and in
nd enjoyed
nd perform

2. The c
undred tho
ollars each

AN ACT

To incorporate "The People's Street Railway Company,"
in the City and County of Saint John.

SECTION

1. Company incorporated.
2. Capital stock.
3. Stock alone liable for debts.
4. First meeting, by whom called.
5. Affairs of Company, how managed.
6. Directors, how and when chosen.
7. Qualification of Director.
8. Votes, how apportioned; proviso.
9. Annual general meeting, when and where held.
10. Shares transferable.
11. Calls, when to be made and how recovered; proviso.
12. Meetings to be called by public notice.
13. Suits against shareholders, how brought.
14. What necessary to be proved on trial.
15. Powers of Company.
16. Railway to be used with horse power; proviso.

SECTION

17. When Track shall be laid.
18. Streets not to be altered without consent of Common Council.
19. Company to keep Streets in repair.
20. When rails may be removed; proviso.
21. Rate of speed at which Cars shall be driven; proviso.
22. Company may make bye laws &c.
23. Toll established.
24. When Company shall provide Sleighs, &c. Penalty for removing ice or snow.
25. Company may issue Bonds.
26. Privileges of this Act to extend to 40 years.
27. Railway to be completed within three years.
28. When Mayor, &c. may become purchasers.

PASSED 9TH JULY, 1866.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That William K. Reynolds, his associates, successors and assigns, be and they are hereby created and declared to be a body corporate and politic, by the name of "The People's Street Railway Company," and by and under that name shall have all the general powers and privileges made incident to a corporation by Act of Assembly of this Province, and shall sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoyed, and to prevent all invasion thereof in exercising and performing the same.

2. The capital stock of the said Company shall be two hundred thousand Dollars, in ten thousand shares of twenty dollars each.

3. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

4. The first meeting of the said Company shall be held at the city of Saint John, and shall be called by the said William K. Reynolds, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public Newspapers published in the city of Saint John, at least fourteen days previous to such meeting, for the purpose of establishing bye laws, choosing Directors and such other Officers as may be necessary for the management of the affairs of the Company, which meeting may be adjourned from time to time as may be found necessary; and the Directors and Officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead.

5. The management of the affairs of the said Company shall be vested in five Directors, who shall be chosen by the stockholders in the manner hereinafter provided, and shall hold their offices until others are duly chosen in their stead; and such Board shall, at the first meeting after their election, choose one of their number President of the Board, who shall also be President of the Company; and said Board shall have authority to appoint a Secretary and Treasurer; the Treasurer to give bonds in such amount as the Board of Directors shall from time to time determine; provided that not less than three Directors do form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

6. The Directors of the said Company shall be chosen at the said first meeting, and thereafter at the annual general meeting of said Company, by ballot, and the Directors so chosen shall remain in office one year, or until others are duly chosen in their place.

7.

person
of the
of two
Direct
and t
any su
fied, a
electe

8.

entitle
of this
be in
stockh
stockh

9. T

be hold
in Jan
to time
as the

10.

transfe
be esta
shall be
and reg
no case
ferable
stock or
of said

11. T

calls or
deem ne

7. No person shall be eligible as a Director unless such person is a stockholder and holds not less than twenty shares of the capital stock of the said Corporation, and is the full age of twenty-one years; and in case of any vacancy among the Directors by death, resignation, or disqualification by the sale and transfer of stock or other cause, the Directors may fill up any such vacancy by choosing one of the stockholders qualified, and the person so chosen shall serve until another be elected in his stead.

8. The number of votes to which each stockholder shall be entitled on any occasion when, in conformity to the provisions of this Act, the votes of the stockholders are to be given, shall be in proportion of one vote to each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

9. The annual general meeting of the said Company shall be holden in the city of Saint John on the third Wednesday in January, or such other day in each year as may from time to time be determined by the bye laws, at such time and place as the Directors for the time being may appoint.

10. The shares of the said Company shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no arrangement or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept for that purpose, and in no case shall a fractional part of a share be assignable or transferable; whenever any stockholder shall duly transfer all his stock or shares in said Company he shall cease to be a member of said Corporation.

11. The said Company may from time to time make such calls or assessments upon the capital stock thereof as they may deem necessary for carrying on their operations; such call or

assessment, when made, shall be deemed to be and shall be a debt due from the shareholder to the Company, and may be sued for by the Company and recovered with interest and costs of suit in a Court of competent jurisdiction within said Province; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Treasurer to give notice thereof in a Newspaper published in the city of Saint John, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the said Treasurer the amount of such assessment upon his shares, it shall be the duty of the Treasurer, after the expiration of such thirty days, to advertise all such delinquent shares for sale at public auction, giving at least twenty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

12. All meetings of the said Company shall be called by public notice being given of the time and place in a Newspaper printed in the city of Saint John, seven days at least before the time of such meeting; and special meetings may be called by the Secretary under the authority of the Directors, or by shareholders representing not less than one thousand shares of stock, upon giving the like notice.

13. In any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter; but it shall be sufficient for the said Company to declare

that t
case n
pany,
money
amount
or mor
of suc
crued

14.
prove t
ment w
ing, an
not be
thereup
shall be

15. T
maintain
tracks,
bridges
tween th
monalty
over and
in the co
said Cor
City and

16. T
pany sha
veyance
be introd
soon as th
of Saint
applicatio

17. Th

that the defendant is the holder of one share or more, as the case may be, (stating the number of shares,) in the said Company, and is indebted to the said Company in the sum of money to which the assessment or assessment in arrear shall amount, in respect of one assessment or more, upon one share or more, as the case may be, (stating the number and amount of such assessments,) by means of which an action hath accrued to the said Company by virtue of this Act.

14. On the trial of any such action it shall be sufficient to prove that the defendant at the time of making such assessment was a holder of one share or more in the said undertaking, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

15. The said Company are hereby empowered to construct, maintain and use a Railway or Railways, with single or double tracks, over and upon such of the streets, highways and bridges in the city of Saint John, as may be agreed upon between the said Company and the Mayor, Aldermen and Commonalty of the city of Saint John, in Common Council, and over and upon such of the streets, roads, highways and bridges in the county of St. John, as may be agreed upon between the said Company and the General Sessions of the Peace for the City and County of Saint John.

16. The railway and tracks constructed by the said Company shall be worked and used with horse power for the conveyance of passengers thereon, provided that steam power may be introduced and used by the said Company whenever and so soon as the said Mayor, Aldermen and Commonalty of the city of Saint John, in Common Council, shall by resolution, on application of the said Company, consent thereto.

17. The position, placing and laying down of the several

railway tracks, shall be done so as not to interfere with the ordinary traffic upon and over the streets and highways where the same may be laid; the rails to be of such pattern and description as the Common Council may from time to time approve, and be laid level with the surface of the street, and shall be laid and placed to the satisfaction of the City Engineer for the time being appointed by the Common Council, or other authorized authority in charge of the streets of said City, so far as such tracks shall be laid in the streets of the said City, and to the satisfaction of the Commissioners or other authorized authority having charge of the highways in the several Parishes of said County where the same may be laid.

18. The said Company, in the construction of the said railway track or tracks, shall from time to time conform to the grades of the various streets and highways through which said tracks or any of them shall run; and shall not change or alter such grades without the consent of the Common Council, if within said City, or of the Road Commissioners or other authorized authority, if within any Parish in said County.

19. The Company shall be bound to put the streets and highways in or upon which any of their works shall be executed, in as good a state of repair as they were previous to the commencement of such works, and to maintain in like good condition any portion of said streets and highways disturbed for the purposes of said Company, for the space of one calendar month; and whenever a double track may be laid in any street or highway that does not exceed sixty feet in width, the said Company shall maintain and keep in good order and complete repair at all times all such portions of said streets and highways between the outer edge of the gutters at the side walks of such streets and highways; and wherever a single track only may be laid in any such streets or highways, or such streets or highways shall be more than sixty feet in width, then the said Company shall maintain and keep in

good
such
to a

20.
the C
which
and c
pose
and a
son o
privat
sewer
or an
power
to hav
any co
always
John
existin
pany o
as they
least p

21.
thereof
hour, a
while i
of the C
from ti
freight
Railway
less in c
any one
sixty po

22. T
establish

good order and complete repair at all times all that portion of such streets or highways on the track between the rails and to a distance of twelve inches outside of said rails.

20. The Common Council in the City of Saint John, and the Commissioners of Roads in the several Parishes through which such Railway may pass, shall have the right to take up and open the streets traversed by the rails, either for the purpose of altering the grades thereof, or for any other purpose; and any Commissioner or Commissioners, Corporation, or person or persons, authorized by law to carry on any public or private works, as the laying down pipes for gas or water drains, sewers, or other work whatsoever, may also remove such rails, or any part thereof, for any necessary purpose within their power and authority, without the said Company being entitled to have or claim any compensation or damage therefor, or for any cost, expenses or detention occasioned thereby; provided always, that in case such works be disturbed by the Saint John Gas Company, or any other private Corporation now existing, or that may hereafter exist, then such private Company or Corporation shall relay the rails in as good condition as they were before such disturbance took place, and with the least possible delay.

21. Cars shall not be driven on such Railway, or any part thereof, at a greater speed than at the rate of seven miles per hour, and two or more bells shall be attached to each horse while in use on such Railway; provided that within the limits of the City of Saint John the rate of speed shall be regulated from time to time by the Common Council of the City; no freight or luggage shall be carried or conveyed on such line of Railway, on any of the cars driven or employed thereon, unless in charge of a passenger, and then the weight carried at any one time, in charge of any one passenger, shall not exceed sixty pounds.

22. The said Company shall have power to make, ordain, establish, alter and amend, at any general or special meeting,

bye laws and regulations for the management of the affairs of the said Company, not inconsistent with the laws in force in this Province; and also to make, ordain, establish, alter and amend, with the sanction of the Common Council of said City, rules and regulations for the government of the Railway, and the cars and trains running thereon.

23. A toll is hereby granted and established for the sole use and benefit of the said Company, upon all passengers, and also upon property of all descriptions which may be conveyed and transported upon said road, under the provisions of this Act, at such rate and rates of fare as may be established and determined from time to time by the Directors of the said Company; and the same may be recovered with costs by the said Company, in any Court of competent jurisdiction; and whoever fraudulently evades or attempts to evade the payment of any toll or fare established by the said Company, either by giving a false answer to the collector of the toll or fare, or by travelling beyond the point to which he has paid the same, or by leaving the rail car without having paid the toll or fare established for the distance travelled, or otherwise, shall be punished by fine of not less than five dollars nor more than twenty dollars for each offence, to be recovered with costs in the name of any person who may prosecute for the same before the Police Magistrate of the City of Saint John, or the Police Magistrate of the Parish of Portland: Whoever does not, upon demand, first pay the lawful toll or fare, shall not be entitled to be transported over the railways or tracks of the said Company.

24. When the accumulation of snow or ice on the streets or highways along the line of Railway shall be such as to permit the use of sleighs or sleds, it shall not be lawful for the said Company to remove the ice or snow from such line of Railway, but they shall have and provide suitable conveyances by sleighs and sleds; any person or persons cutting out or removing any ice or snow from the rails or track, in violation of this

provis
each
obtain

25.

ing de
ing or
works
than o
ing tw
not ex

26.

extend
Act, b
workin
privileg
move t
Council
repair

27. I

line of
William
Prince
Parish
having
through
Sessions
highway
from R
years fr
rights u
annulled

28. I

and Com

provision, shall forfeit and pay a penalty of forty dollars for each and every offence, unless permission so to do be first obtained from the Mayor of said City for the time being.

25. The said Company, for the purpose of funding its floating debt, or for money borrowed for the purpose of constructing or equipping any of its railways or tracks, or the necessary works of the Company, may issue Bonds in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding the rate of six per cent. per annum.

26. The privilege hereby granted to the said Company shall extend over a period of forty years from the passing of this Act, but should the said Company at any time give up the working and use of the said Railway, or cease to exercise the privileges hereby granted to them, they shall be bound to remove the rails after three months notice from the Common Council, and to put the streets traversed by the rails in good repair and condition.

27. If the said Company fail to establish and complete a line of Railway from Reed's Point, (so called) in Prince William Street, within the City of Saint John, through Prince William Street, and so along Dock Street to the Parish of Portland, (the Common Council of said City having granted permission to use such Streets,) and so through the Parish of Portland to Indian Town, (the General Sessions of the Peace having granted permission to use such highways,) so that said line of Railway is not fully completed from Reed's Point to Indian Town aforesaid, within three years from the passing of this Act, then they shall forfeit all rights under this Act, and the same shall cease and be utterly annulled.

28. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, at any time after

twenty years from and after the passing of this Act, subject to the provisions herein contained, and on giving to the said Company twelve calendar months notice of such their intention, to become the purchaser of the property and stock of the Company, and from and after the expiration of such notice, to enter upon and take possession of all the property and stock of the said Company, on payment to the said Company of the appraised value of such property and stock at the time of such taking possession, and ten per cent. in addition thereto.

Ch

1. T
tary, T
chosen
Meeting
Saint J
every y
others a
of Direc
filled at
purpose

2 Th
number
appoint
year, on
Director
when th
tary and

3. Th
tors and
Chairma

4. Th
meetings
shall also
purpose,

is Act, subject
ing to the said
h their inten-
d stock of the
such notice, to
erty and stock
ompany of the
e time of such
thereto.

BYE LAWS

OF

The People's Street Railway Company.

1. The Officers of the Company shall be a President, Secretary, Treasurer, and five Directors. The Directors shall be chosen by the Stockholders by ballot at the Annual General Meeting of the Company, which is to be holden in the City of Saint John, on the third Wednesday in June in each and every year; and shall remain in Office one year, or until others are duly chosen in their place. Vacancies in the Board of Directors occasioned by resignation or otherwise, may be filled at any meeting of the Stockholders duly called for that purpose.
- 2 The President shall be chosen by the Directors from their number. The Secretary and Treasurer shall be chosen and appointed by the Directors, and shall continue in office one year, or until others are duly chosen in their place. The Directors shall have power to remove either of the said Officers when they find just cause. The compensation of the Secretary and Treasurer shall be fixed by the Directors.
3. The President shall preside at all Meetings of the Directors and of the Company; but in any case of his absence, a Chairman *pro tempore* may be chosen by those present.
4. The Secretary shall keep a true and correct record of all meetings of the Company, and of the Board of Directors; he shall also enter in the Stock Ledger, or a book kept for that purpose, the number of shares held by each Stockholder and

their numbers respectively; and upon every transfer of a share or shares shall make the necessary entries in the said Stock Ledger. In case of the absence of the Secretary or vacancy in the Office, the Minutes of the proceedings at any meeting of the Company or of the Directors may be taken by a Secretary appointed for the occasion, and the same shall, as soon after as convenient, be entered in the Records of the Company by the proper Secretary, and the original minutes shall be filed by him.

5. The Treasurer shall receive and disburse all funds of the Company, under the Bye Laws and votes thereof, or by order of the Directors, pursuant to the same, and shall from time to time duly deposit in such Bank in the City of Saint John as the Directors shall designate and appoint, to the credit of the Company, all the monies received by him. Before entering on the duties of his Office, the Treasurer shall give such Bonds for the faithful discharge of his duties, as the Directors shall require.

6. It shall be the duty of the Directors from time to time to examine and adjust the accounts of the Treasurer; and to see that the pecuniary and prudential concerns of the Company are faithfully conducted.

7. In all cases where a Shareholder shall vote by proxy, or where any transfer shall be made, dividend received, or other act done by Attorney, such proxy or Attorney shall produce his original authority, and deposit the same with the Secretary.

8. At all meetings of the Stockholders the members present and their duly constituted proxies, representing one-third of the Capital Stock of the Company, shall constitute a quorum for the purpose of doing business, and each Stockholder shall be entitled to as many votes as he owns shares; and a majority vote shall govern all business (excepting questions of altering

or amending
holders and

9. The
and effect

SHARES—TWENTY DOLLARS.

TH

is Pr
inclu
RAI
and
of N
that
by as
being
ratio

In
herew
pany

The assign
te shall be

FOR
reby sell, tra
y Company

tness,

er of a share
e said Stock
y or vacancy
any meeting
by a Secre-
all, as soon
he Company
shall be filed

for amending the Bye Laws,) both at the Meetings of the Stock-
holders and of the Board of Directors.

9. The Certificate of Stock shall be of the following form and effect :

SHARES—TWENTY DOLLARS.	No.	Shares.
	THE PEOPLE'S STREET RAILWAY COMPANY.	
	—+—+—+—	
	Capital \$200,000.	
	WHOLE NUMBER OF SHARES, TEN THOUSAND.	
	This is to Certify that	
	<i>is Proprietor of</i>	<i>Shares, No. to No.</i>
	<i>inclusive, of the Capital Stock of THE PEOPLE'S STREET RAILWAY COMPANY, subject to the Rules, Regulations, and Bye Laws of the said Company, the Laws of the Province of New Brunswick, and those in force within the same; and that the whole or any number of such Shares are transferable by assignment of this Certificate indorsed thereon, record thereof being made by the Secretary in the Transfer Book of the Corporation, and on surrender of this Certificate.</i>	
	<i>In Testimony Whereof, the President and Secretary have hereunto signed their names and affixed the Seal of the Company, this</i>	
	<i>day of</i>	<i>A. D. 18</i>
	<i>President.</i>	
	<i>Secretary.</i>	

The assignment of Stock to be endorsed on the said Certificate shall be of the following form and effect :—

FOR VALUE RECEIVED, I do
 hereby sell, transfer and assign unto and assigns,
 Shares of the Capital Stock of the People's Street Rail-
 way Company, No. to No. inclusive.
 Witness my hand this day of
 in the year of our Lord one thousand eight hundred
 and

tness,

On payment of any call or assessment by a Stockholder, a receipt therefor, endorsed on the said Certificate, (or otherwise, as circumstances may require,) shall be given and signed by the Treasurer, and shall be of the following form and effect:—

No. 1. Received this day of A. D. 18
from the sum of being the first
instalment of of twenty per cent. on Shares of the
Capital Stock of the People's Street Railway Company held by
him. The same to bear interest at the rate of seven per cent. per
annum until the Road is complete and handed over to the Com-
pany.

No. 2. Received from _____ this _____ day of _____
A. D. 18 _____ \$ _____ on the same conditions as in No. 1.

No. 3. Received from this day of
A. D. 18 \$ on same conditions as in No. 1.

No. 4. Received from this day of
A. D. 18 \$ on same conditions as in No. 1.

No. 5. Received from _____ this _____ day of _____
A. D. 18 _____ \$ _____ on same conditions as in No. 1,
being in full for Stock, as per this Certificate.

10. In addition to the notice of assessment required by the Act of Incorporation, the Treasurer shall send notice thereof by mail to each of such Stockholders as may reside without the limits of New Brunswick.

11. If the President should die, resign, or disqualify by sale or other privation of Stock, the Directors shall have power to fill up the vacancy in the Board, and elect another President, and they may also appoint a Secretary or Treasurer in case of any vacancy in either of those offices.

12. The Directors shall have full authority to make such other rules and regulations, and exercise such powers for the management of the concerns of the Company, (not inconsistent with these Bye Laws or the Act of Incorporation,) as may be necessary or expedient, and they shall also have full power to appoint such agents and make such contracts as the objects

stockholder, a
or otherwise,
and signed by
and effect:—

A. D. 18
being the first
Shares of the
Company held by
in per cent. per
er to the Com-

of
as in No. 1.

of
as in No. 1.

of
as in No. 1.

of
as in No. 1.

aired by the
notice thereof
without the

alify by sale
ve power to
r President,
r in case of

make such
wers for the
ot inconsis-
on,) as may
e full power
the objects

or business of the Company may require, and to make all necessary arrangements for the transfer of Stock by Foreign Agents, and establish such forms of Stock Certificates, Assignments, Warrants of Transfer, and other documents, as may be necessary to effect the same.

13. In case of the loss or destruction of any Stock Certificate, the Directors, upon proof being made to their satisfaction, may issue to the proprietor thereof a new Certificate of the same tenor and number as the one lost or destroyed, provided that such new Certificate shall have a memorandum endorsed and signed by the Secretary, setting forth the loss or destruction of the original; and provided also that the party requiring the same shall sufficiently indemnify the Company, if requested so to do.

14. These Bye Laws may be added to, altered or amended at any legal meeting of the Company, by a vote of two thirds of all the Shares represented at such meeting.

15. The Seal of the Company shall be the representation of a Street Rail Car, with the figures 1866 underneath the same, surrounded by the words "The People's Street Railway Company."